

FORM PTO-1390
(Rev 5-93)

U.S. DEPARTMENT OF

U.S. PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

NITROS P146US

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371U.S. APPLICATION NO. (37 CFR 1.37 C.R.P.R.5)
09/673871

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PCT/CH99/00163

April 22, 1999

PRIORITY DATE CLAIMED

April 22, 1998

TITLE OF INVENTION

SOLUTION FOR DIAGNOSING OR TREATING TISSUE PATHOLOGIES

APPLICANT(S) FOR DO/EO/US

Al xandre MARTI, Norbert LANGE, Matthieu ZELLWEGER, Georges WAGNIERES, Hubert VAN DEN BERGH, Patrice JICHLINSKI and Pavel KUCERA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. has been transmitted by the International Bureau. (PCT/IB/308 mailed October 28, 1999)
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US)
6. A translation of the International Application into English (35 U.S.C. 371(c)(2)) is attached.
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. have been transmitted by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98 with PTO FORM 1449.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A FIRST preliminary amendment.
 - A SECOND or SUBSEQUENT preliminary amendment.
14. A substitute specification.
15. A change of power of attorney and/or address letter.

16. Other items or information:

<input checked="" type="checkbox"/> Preliminary Examination Report	<input checked="" type="checkbox"/> Copy of Request
<input type="checkbox"/> Annexes to Pre. Ex. Rep.	<input type="checkbox"/> <u>0</u> sheets of formal drawings
<input checked="" type="checkbox"/> International Search Report	<input checked="" type="checkbox"/> Abstract
<input type="checkbox"/> French Novelty Search Report	<input checked="" type="checkbox"/> Verified Statement Claiming Small Entity Status
<input type="checkbox"/> <u> </u> copies of citations	<input type="checkbox"/> Copy of Notification of File Missing Parts
<input checked="" type="checkbox"/> Form PCT/IB/308	<input type="checkbox"/> French Language Specification
<input checked="" type="checkbox"/> International Publ. No. WO 99/53962 (Face page only)	

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date October 20, 2000 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL469353992US addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Michael J. Bujold, Esq.

(typed or printed name of person mailing paper)

(signature of person mailing paper)

17. ■ The following fees are submitted

532 Rec'd P

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Basic National Fee (37 CFR 1.492(a)(1)-(5)):
 Search Report has been prepared by the EPO or JPO \$860.00
 International preliminary examination fee paid to USPTO (37 CFR 1.482) \$690.00
 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but
 international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$710.00
 Neither international preliminary examination fee (37 CFR 1.482) nor
 international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1000.00
 International preliminary examination fee paid to USPTO (37 CFR 1.482)
 and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00
 ENTER APPROPRIATE BASIC FEE AMOUNT =

860

Surcharge of \$130.00 for furnishing the oath or declaration later than 20 30 months
 from the earliest claimed priority date (37 CFR 1.492(e)).

Claims	Number Filed	Number Extra	Rate	
Total Claims	9-20 =	0	x \$18.00	0
Independent Claims	1-3 =	0	x \$80.00	0
Multiple dependent claim(s) (if applicable)			+ \$270.00	0
TOTAL OF ABOVE CALCULATIONS =				860
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				430
SUBTOTAL =				430
Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+		
TOTAL NATIONAL FEE =				
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+		0
TOTAL FEES ENCLOSED =				430
		Amount to be: refunded		\$
		charged		\$

a. ■ A check in the amount of \$ 430.00 to cover the above fees is enclosed.
 b. Please charge my Deposit Account No. 04-0213 in the amount of \$ to cover the above fees.
 A duplicate copy of this sheet is enclosed.
 c. ■ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to
 Deposit Account No. 04-0213. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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